

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MARTIN O. LONG,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	
vs.)	2:06CV816-MHT
)	
STATE FARM FIRE & CASUALTY COMPANY, a corporation,)	
)	
Defendant.)	

**OBJECTION TO ISSUANCE OF SUBPOENA DUCES TECUM
AND MOTION FOR PROTECTIVE ORDER**

Comes now the Plaintiff in the above-styled cause and moves this Court to enter a protective order prohibiting the Defendant from securing his records from the Montgomery Regional Office of the Department of Veterans Affairs. As grounds for this protective order, Plaintiff shows to the Court the following facts:

1. Rule 26(c) of the Federal Rules of Civil Procedure empowers this Court to “make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense”. The Court’s powers include ordering “that the discovery not be had.” FRCP 26(c)(1).
2. The scope of civil discovery includes matters “relevant to the subject matter involved in the action” or “reasonably calculated to lead to the discovery of admissible evidence.” FRCP 26(b)(1).
3. The Defendant seeks records from the Montgomery Regional Office of the

Department of Veterans Affairs. These records likely contain privileged materials pertaining to communications between the Plaintiff and mental health professionals. Such records are privileged. A.R.E. 503. The Plaintiff objects to releasing materials protected by the patient-psychiatrist/psychologist privilege.

Plaintiff's counsel hereby certifies that he has spoken to Defendant's counsel in a good faith effort to resolve this dispute but has been unsuccessful.

Respectfully submitted,

s/F. Tucker Burge
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CERTIFICATE OF SERVICE

I hereby certify that I have this 31st day of May, 2007, electronically filed the above and foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to James B. Newman, Esq., Helmsing, Leach, Herlong, Newman & Rouse, Post Office Box 2767, Mobile, AL 36652.

s/ F. TUCKER BURGE
OF COUNSEL